

cient or economical results, and such adjustment in the way of charges and credits shall be made between the projects affected as may be equitable.

(June 13, 1902, ch. 1079, § 5, 32 Stat. 373; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

#### CODIFICATION

Section is from part of section 5 of the Rivers and Harbors Appropriation Act of 1902.

The omitted part of that section is set out as section 558 of this title.

#### CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

#### CROSS REFERENCES

Transfer of material, see section 483 of Title 40. Public Buildings, Property, and Works.

### § 632. Omitted

#### CODIFICATION

Section, act June 25, 1910, ch. 382, § 5, 36 Stat. 676, provided that the requirements of R.S. § 3744, section 16 of Title 41, Public Contracts, should not apply to the lease of certain property or hire of vessels for use in connection with river and harbor improvements where the period of the lease or hire did not exceed three months. R.S. § 3744, which required contracts by the Secretaries of War, Navy, and Interior to be in writing and filed in the returns office of the Interior Department, was repealed by act Oct. 21, 1941, ch. 452, 55 Stat. 743.

### § 633. Protection, alteration, reconstruction, relocation, or replacement of structures and facilities; contract standards; reasonable costs

Whenever, during the construction or reconstruction of any navigation, flood control, or related water development project under the direction of the Secretary of the Army, the Chief of Engineers determines that any structure or facility owned by an agency of government and utilized in the performance of a governmental function should be protected, altered, reconstructed, relocated, or replaced to meet the requirements of navigation or flood control, or both; or to preserve the safety or integrity of such facility when its safety or usefulness is determined by the Chief of Engineers to be adversely affected or threatened by the project, the Chief of Engineers may, if he deems such action to be in the public interest, enter into a contract providing for (1) the payment from appropriations made for the construction or maintenance of such project, of the reasonable cost of replacing, relocating, or reconstructing such facility to such standard as he deems reasonable but not to exceed the minimum standard of the State or political subdivision for the same type of facility involved, except that if the existing facility exceeds the minimum standard of the State or political subdivision, the Chief of Engineers may provide a facility of comparable standard, or (2) the payment of a lump sum rep-

resenting the estimated reasonable cost thereof. This section shall not be construed as modifying any existing or future requirement of local cooperation, or as indicating a policy that local interests shall not hereafter be required to assume costs of modifying such facilities. The provisions of this section may be applied to projects hereafter authorized and to those heretofore authorized but not completed as of July 3, 1958, and notwithstanding the navigation servitude vested in the United States, they may be applied to such structures or facilities occupying the beds of navigable waters of the United States.

(Pub. L. 85-500, title I, § 111, July 3, 1958, 72 Stat. 303; Pub. L. 89-298, title III, § 309, Oct. 27, 1965, 79 Stat. 1094.)

#### AMENDMENTS

1965—Pub. L. 89-298 provided for payment of the reasonable cost of replacing, relocating, or reconstructing the facility to a reasonable standard, not exceeding minimum standard of State or political subdivision for same type of facility involved, except that if the existing facility exceeds the minimum standard of the State or political subdivision, the Chief of Engineers may provide a facility of comparable standard, in provision designated as clause (1), eliminated former provision for payment of reasonable actual cost of the remedial work, and designated existing provisions as clause (2).

## CHAPTER 13—MISSISSIPPI RIVER COMMISSION

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| Sec.  |  |
| 641.  | Creation of Mississippi River Commission.  |
| 642.  | Appointment of commissioners; vacancies; chairman; tenure of office.   |
| 642a. | Rank, pay, and allowances of Corps of Engineers officers serving as President of Mississippi River Commission.   |
| 643.  | Omitted.   |
| 644.  | Secretary of commission.   |
| 645.  | Repealed.  |
| 646.  | Headquarters and meetings of commission.   |
| 647.  | Mississippi River survey.  |
| 648.  | Arkansas River; levee and bank protection.   |
| 649.  | Vicksburg Harbor and Ohio River below Cache River.   |
| 650.  | Mississippi River below Rock Island; levee and bank protection.  |
| 651.  | Tributaries of Mississippi River below Cairo; levee and bank protection.   |
| 652.  | Upper Mississippi River Management. <ul style="list-style-type: none"> <li>(a) Short title; Congressional declaration of intent.</li> <li>(b) Definitions.</li> <li>(c) Congressional approval of Master Plan.</li> <li>(d) Cooperative effort and mutual assistance among States.</li> <li>(e) Program authority.</li> <li>(f) Recreational projects authority.</li> <li>(g) Increases in lock capacity.</li> <li>(h) Monitoring of traffic movements.</li> <li>(i) Disposal of dredged material.</li> <li>(j) Construction of second lock at locks and dam 26, Mississippi River, Alton, Illinois and Missouri.</li> </ul> |
| 653.  | Extension of jurisdiction of Mississippi River Commission.   |

### § 641. Creation of Mississippi River Commission

A commission is created to be called "The Mississippi River Commission", to consist of seven members.

(June 28, 1879, ch. 43, § 1, 21 Stat. 37.)

## CODIFICATION

This was the first section of an act entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of the Passes near its mouth to its headwaters".

## APPROPRIATION FOR SALARIES AND EXPENSES

Section 7 of act June 28, 1879, omitted as temporary and executed, provided for the expenditure of an appropriation of \$175,000 for salaries of the commission and necessary expenses of surveys, examinations, etc.

## MISSOURI RIVER COMMISSION

The Missouri River Commission was created by act July 5, 1884, ch. 229, § 1, 23 Stat. 144, and repealed by act July 13, 1902, ch. 1079, § 1, 32 Stat. 367.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 642, 647, 653 of this title.

**§ 642. Appointment of commissioners; vacancies; chairman; tenure of office**

The President of the United States shall, by and with the advice and consent of the Senate, appoint seven commissioners, three of whom shall be selected from the Engineer Corps of the Army, one from the National Ocean Survey, and three from civil life, two of whom shall be civil engineers. And any vacancy which may occur in the commission shall in like manner be filled by the President of the United States; and he shall designate one of the commissioners appointed from the Engineer Corps of the Army to be president of the commission. The commissioners appointed under sections 641 to 644, 646, and 647 of this title, except those appointed from civil life, shall remain in office subject to removal by the President of the United States. Each commissioner appointed from civil life after November 7, 1966, shall be appointed for a term of nine years.

(June 28, 1879, ch. 43, § 2, 21 Stat. 37; Nov. 7, 1966, Pub. L. 89-789, title II, § 208, 80 Stat. 1423.)

## AMENDMENTS

1966—Pub. L. 89-789 inserted " , except those appointed from civil life," and provided a nine year term for each commissioner appointed from civil life after Nov. 7, 1966.

## CHANGE OF NAME

Coast and Geodetic Survey consolidated with National Weather Bureau in 1965 to form Environmental Science Services Administration by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318. Environmental Science Services Administration abolished in 1970 and its personnel, property, records, etc., transferred to National Oceanic and Atmospheric Administration by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090. By order of Acting Associate Administrator of National Oceanic Atmospheric Administration, 35 F.R. 19249, Dec. 19, 1970, Coast and Geodetic Survey redesignated National Ocean Survey. See notes set out under section 311 of Title 15, Commerce and Trade.

## TRANSFER OF FUNCTIONS

Functions of all officers of Department of Commerce and functions of all officers and employees of such Department transferred, with a few exceptions, to Secretary of Commerce, with power vested in him to authorize their performance or performance of any of his

functions by any of such officers, agencies and employees, by Reorg. Plan No. 5 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, set out in the Appendix to Title 5, Government Organization and Employees.

## CROSS REFERENCES

President of commission as executive officer, qualifications, rank, etc., see section 702h of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 647 of this title.

**§ 642a. Rank, pay, and allowances of Corps of Engineers officers serving as President of Mississippi River Commission**

Any officer of the Corps of Engineers who has served or shall serve four years as President of the Mississippi River Commission and who has been or shall subsequently be retired, shall, from the date of such retirement, receive the rank, pay, and allowances of a retired major general.

(June 15, 1936, ch. 548 (pt.), as added Aug. 18, 1941, ch. 377, § 3, 55 Stat. 644.)

## CODIFICATION

Section was formerly classified to section 1026b of title 10 prior to the general revision and enactment of Title 10, Armed Forces, by act Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 1.

**§ 643. Omitted**

## CODIFICATION

Section, acts June 28, 1879, ch. 43, § 2, 21 Stat. 37; June 25, 1910, ch. 382, § 1, 36 Stat. 658; Mar. 1, 1917, ch. 144, § 4, 39 Stat. 951, related to compensation of commissioners. See section 702h of this title.

**§ 644. Secretary of commission**

The Secretary of the Army may detail from the Engineer Corps of the Army of the United States an officer to act as secretary of said commission.

(June 28, 1879, ch. 43, § 6, 21 Stat. 38; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

## CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 642, 647 of this title.

**§ 645. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 642**

Section, act July 25, 1912, ch. 253, § 1, 37 Stat. 218, related to traveling expenses of civilian members of commission and of Assistant Engineer of Board of Engineers for Rivers and Harbors.

**§ 646. Headquarters and meetings of commission**

The headquarters and general offices of said commission shall be located at some city or